

PROB 12B (7/93)

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

FILED

2017 APR 13 PM 3: 09

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY R
DEPUTY

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: David Jordan

Case Number: EP-12-CR-641-KC(1)

Name of Sentencing Judicial Officer: Kathleen Cardone, U.S. District Judge

Date of Original Sentence: February 27, 2014

Original Offense: Felon in possession of a firearm, a violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2)

Original Sentence: Thirty-seven (37) months custody followed by three (3) years of supervised release

Type of Supervision: Supervised release

Date Supervision Commenced: March 27, 2017

PETITIONING THE COURT

- ☐ To extend the term of supervision for ____ years, for a total term of ____ years.
- ☒ To modify the conditions of supervision as follows:

The Defendant shall pay the entire balance of the fine and special assessment at a rate of no less than \$50 per month, due by the 20th day of each month beginning April 2017. This Court imposed payment schedule shall not prevent statutorily authorized collection efforts by the U.S. Attorney. The Defendant shall cooperate fully with the U.S. Attorney and the U.S. Probation Office to make payment in full as soon as possible.

David Jordan
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CAUSE

United States v. Albro, 32F.3d 173(5th Cir. 1994) states that while the district court may alter payment schedule under 18 U.S.C. § 3663(g) and is free to receive and consider recommendations from the probation officer in this regard, the district court must designate the timing and amount of said payments. As such, a financial assessment was conducted and it was determined that Jordan is unable to pay the entire amount of the money judgment immediately. Hence, a payment schedule was arranged for the money judgment balance to be paid at a minimum rate of \$50 per month. On April 13, 2017, a waiver modifying his conditions was signed and arranged for the money judgment balance to be paid at a minimum rate of \$50.00 per month.

Respectfully submitted,



Rene Ramos, Jr.
U.S. Probation Officer
Office (915) 585-6570
Cellular (915) 861-8608

Approved by,



David C. Trejo
Supervising U.S. Probation Officer
Office (915) 585-5576
Cellular (915) 861-8369

Date: April 13, 2017

THE COURT ORDERS:

- ☐ No action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above.
- ☐ Other



Kathleen Cardone, U.S. District Judge

April 13, 2017

Date

PROB 49
(3/89)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS


Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by Law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The Defendant shall pay the entire balance of the fine and special assessment at a rate of no less than \$50 per month, due by the 20th day of each month beginning April 2017. This Court imposed payment schedule shall not prevent statutorily authorized collection efforts by the U.S. Attorney. The Defendant shall cooperate fully with the U.S. Attorney and the U.S. Probation Office to make payment in full as soon as possible.

Witness:



Rene Ramos, Jr.
U.S. Probation Officer

Signed:



David Jordan
Supervised Releasee

4/13/17
Date